

### REMARKS

The issues outstanding in the Final Rejection in the application are the rejections under 35 U.S.C. §§102 and 103. Reconsideration of these rejections, in view of the following discussion, is respectfully requested.

Claims 1 and 9 remain rejected under 35 U.S.C. §102 over Strassel, commonly assigned with the present application. In the advisory action mailed February 22, 2006, it appears that the PTO relies upon solely figure 3 for this rejection. See page 3 of the advisory action. Figure 3 of Strassel discloses a metal pipe (1) and thereupon an elastomer (8), and thereupon a shrinkable polymer layer (9), and thereupon an outer sheath (12) which is a thermoplastic polymer. See column 8, lines 18-62. Thus, this disclosure does not anticipate claim 1, in which the layer next to the unsealed flexible inner layer is the thermoplastic polymer (A), thus comparable to elastomer (8) in Strassel's figure 3, and the polyolefin layer of claim 1 would necessarily have to be compared to the shrinkable polymer layer (9) in Strassel. As noted previously, Strassels elastomer layer (8) is discussed in detail in the patent, for example, at column 5, lines 57 - column 6, line 35. Patentees teach that elastomeric polymers include, not only elastomers proper, but also "thermoplastic elastomers". See column 5, lines 64 - 66. Patentees moreover teach that such thermoplastic elastomers "always" display two incompatible phases, of thermoplastic sequences in elastomer phase. See column 6, lines 6 - 8. Patentees further disclose five types of thermoplastic elastomers at column 6, lines 10 - 35. At column 6, lines 32 - 35, it is indicated that a "polyamide-based copolymer" which is a thermoplastic elastomer, contains sequences of polyamide, *and pliable crystallizable sequences of polyether.*" Such a material, patentees note, is a polyether amide. Consistently with this terminology, in claim 24, where patentees indicate that the "elastomer" is, i.a., a polyamide thermoplastic elastomer, the patentees clearly teach that such the thermoplastic elastomer, if it is a polyamide, is, in fact, a polyether amide.

Thus, patentees do not teach a layer of *thermoplastic* polyamide, but rather, at best, a layer of thermoplastic elastomeric polyether amide. Patentees thus clearly do not anticipate a flexible pipe, having, as a 1<sup>st</sup> layer, one formed from at least one thermoplastic polymer consisting of a polyamide or blend of a polyamide and a polyolefin having a polyamide matrix

(nor a polyamide blend with a polyamide having a polyolefin matrix as in claim 10).

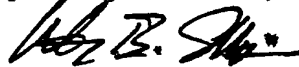
Claims 2-5 have been rejected under 35 U.S.C. §103 over Strassel taken with Fisher. Fisher does nothing to remedy the deficiency of Strassel, and it is submitted that this rejection should also be withdrawn. Similarly, the rejections under 35 U.S.C. §103 of claim 6 over Strassel taken with Rober, claim 7 over Strassel taken with Hill, and claim 10 over Strassel taken with Frep, should also be withdrawn in view of Strassels failure to disclose the thermoplastic inner layer of the present claims, and the failure of the secondary references to remedy this deficiency.

It is finally submitted that newly added claims 11-19 are also not subject to rejections over any of the cited references, singly or in combination. Strassel, used in all of the rejections of record, requires a metal inner layer. See, for example, column 2, lines 55-56, as well as the first sentence of the abstract. Claims 11-19 do not contain such a metal layer.

The claims in the application are accordingly submitted to be in condition for allowance. However, if the examiner has any questions or comments, he is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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